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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Estados Unidos Mexicanos, No. CV-22-00472-TUC-RM
10 Plaintiff,
11 v.
12 Diamondback Shooting Sports
13 Incorporated, et al.,
14 Defendants.

ORDER

15 Pending before the Court is Plaintiff's Motion for Status Conference, in which
16 Plaintiff requests a status conference to address a schedule for discovery in the above-
17 captioned case. (Doc. 42.) Also pending is Defendants' Joint Motion to Dismiss. (Doc.
18.)

19 **IT IS ORDERED** that Plaintiff's Motion for Status Conference (Doc. 42) is
20 granted.

21 **IT IS FURTHER ORDERED** that a scheduling conference and hearing on
22 Defendants' Motion to Dismiss (Doc. 18) is set for **Thursday, February 22, 2024, at**
23 **1:30 p.m.**, before the Honorable Rosemary Márquez, in Courtroom 5A of the United
24 States District Court for the District of Arizona, Evo A. DeConcini U.S. Courthouse, 405
25 W. Congress Street, Tucson, AZ 85701. The parties are directed to Rule 16 of the
26 Federal Rules of Civil Procedure for the objectives of the conference. At least one of the
27 attorneys for each party attending the conference shall have authority to enter into
28 stipulations and make admissions regarding all matters which may be discussed.

1 **IT IS FURTHER ORDERED** that the parties are directed to confer at least 21
2 days before the conference, in accordance with Fed. R. Civ. P. 26(f), to discuss the
3 following matters:

- 4 A. The possibility of consent to a United States Magistrate Judge to conduct
5 any or all proceedings pursuant to 28 U.S.C. § 636(c), the suitability for
6 referral of this matter for alternative dispute resolution, or the referral of
7 this matter to a special master;
- 8 B. Any matters relating to jurisdiction, venue, or the joinder of additional
9 parties;
- 10 C. The nature and bases of the parties' claims and defenses and the
11 possibilities for a prompt settlement or resolution of the case;
- 12 D. A schedule of all pre-trial proceedings;
- 13 E. Modification of pre-trial procedures based on the simplicity or complexity
14 of the case;
- 15 F. Arrangements for Initial Disclosures in compliance with Fed. R. Civ. P.
16 26(a)(1);
- 17 G. Development of a proposed discovery plan, including the subjects on which
18 discovery may be needed, when discovery should be completed, and
19 whether discovery should be conducted in phases or be limited to or
20 focused upon particular issues; and
- 21 H. Any other matters which counsel may feel will help dispose of the matter in
22 an efficient manner.

23 **IT IS FURTHER ORDERED** that counsel shall file with the Court, on or before
24 **February 15, 2024**, a Joint Report reflecting the results of their meeting and outlining
25 their discovery plan. It is the responsibility of Plaintiff's counsel to initiate the
26 communication necessary to prepare the Joint Report. Willful failure to comply may
27 result in the imposition of sanctions. The report shall include brief, individually
28 numbered statements indicating:

1. The nature of the case, setting forth in brief statements the factual and legal
2 bases for Plaintiff's claims and Defendant's defenses, and the relief sought;
3. A list of the elements of proof necessary for each count of the complaint
4 and each affirmative defense. Where the burden of proof shifts, each party
5 shall list the elements of proof that party must prove in order to prevail.
6 The list of the elements of proof must contain citations to relevant legal
7 authority (*i.e.*, United States statutory and/or administrative law, United
8 States Supreme Court case law, Ninth Circuit Court of Appeals case law,
9 State of Arizona case law and statutory law, or other authority as dictated
10 by the conflicts of law rules);
11. The factual and legal issues genuinely in dispute and whether they can be
12 narrowed by stipulation or motion;
13. The jurisdictional basis for the case, citing specific jurisdictional statutes,
14 and whether jurisdiction is disputed;
15. The parties, if any, that have not been served, as well as parties which have
16 not filed an answer or other appearance. Unless counsel can otherwise
17 show cause, the joint report shall be accompanied by a stipulation and a
18 form of order dismissing any party which has not been served, or an
19 application seeking default on any non-appearing party;
20. The names of parties not subject to the Court's jurisdiction;
21. Whether there are dispositive or partially dispositive issues to be decided
22 by pre-trial motions, and the legal issues about which any pretrial motions
23 are contemplated;
24. Whether the parties anticipate filing cross-motions for summary judgment
25 and, if so, whether it is feasible to adopt an abbreviated briefing schedule
26 consisting of: (1) a motion, (2) a response / cross-motion, (3) a response to
27 cross-motion / reply and (4) a reply to cross-motion. If an abbreviated
28 briefing schedule is feasible, the parties should propose page limitations

- 1 and filing deadlines for each brief;
- 2 9. Whether the case is suitable for reference to arbitration, to a special master,
- 3 or to a United States Magistrate Judge;
- 4 10. The status of related cases pending before other judges of this court or
- 5 before other courts and whether it is appropriate for any matters to be
- 6 consolidated pursuant to Rule 42.1(a) of the Local Rules of Practice of the
- 7 United States District Court for the District of Arizona (“LRCiv”);
- 8 11. Any proposed changes in the timing, form, or requirements for Initial
- 9 Disclosures under Fed. R. Civ. P. 26(a)(1), and any objection to Initial
- 10 Disclosures;
- 11 12. Suggested changes, if any, to the limitations on discovery imposed by the
- 12 Federal Rules of Civil Procedure;
- 13 13. The scope, nature, and location of discovery anticipated by the parties,
- 14 including when discovery should be completed and whether discovery
- 15 should be conducted in phases or should be limited to or focused upon
- 16 particular issues;
- 17 14. A discussion of any issues relating to disclosure or discovery of
- 18 electronically stored information, including the form or forms in which it
- 19 should be produced;
- 20 15. A discussion of any issues relating to claims of privilege or work product;
- 21 16. What evidentiary hearings, such as *Daubert* hearings, will be required and
- 22 when such hearings shall be held;
- 23 17. The estimated date that the case will be ready for trial, the estimated length
- 24 of trial, and any suggestions for shortening the trial;
- 25 18. Whether a jury trial has been requested, whether the request for jury trial is
- 26 contested, and, if the request is contested, the reasons that a trial by jury is
- 27 in dispute;
- 28 19. The prospects for settlement, including whether the parties wish to have a

1 settlement conference before a Magistrate Judge and whether the parties
2 seek the Court's assistance in facilitating settlement in any other way;

3 20. In class actions, the proposed dates for class certification proceedings and
4 other class management issues. Such certification will result in the case
5 being reassigned to the complex track for case management purposes
6 pursuant to LRCiv. 16.2;

7 21. Any unusual, difficult, or complex problems affecting the conduct of the
8 case or which would require the case to be placed on the complex track for
9 case management purposes pursuant to LRCiv. 16.2;

10 22. Any other matters which counsel feel will aid the Court in resolving this
11 dispute in a just, expeditious, and efficient manner; and

12 23. Proposed deadlines for:

- 13 a. Initial disclosures required by Fed. R. Civ. P. 26(a)(1);
14 b. Addition of parties or amending pleadings;
15 c. Disclosure of expert testimony and rebuttal expert testimony
16 pursuant to Fed. R. Civ. P. 26(a)(2);
17 d. Discovery (if the parties believe that discovery will require more
18 than 180 days, counsel must provide an explanation showing why, in
19 the instant case, a lengthier period for discovery is necessary);
20 e. Filing dispositive motions;
21 f. Filing settlement status reports;
22 g. Filing the Joint Proposed Pretrial Order;

23 After the conference, the Court will enter a Scheduling Order limiting the time
24 within which counsel may file pre-trial motions, complete discovery, and file the
25 proposed pre-trial order. To the extent that the Court's Scheduling Order differs from the
26 parties' proposed schedule, the provisions of the Court's Order shall supersede the
27 parties' proposed schedule and shall control the course of the action unless modified by
28 subsequent Order. The parties and their counsel are cautioned that the deadlines set in

1 the Court's Scheduling Order shall be strictly enforced and may be modified only for
2 good cause.

3 **IT IS FURTHER ORDERED** that all parties are expected to comply with
4 Federal Rule of Civil Procedure 26, and to minimize the expense of discovery. Counsel
5 should ensure that all documents filed with the Court comply with LRCiv. 7.1 and 7.2.
6 Failure to comply with the provisions of this Order may lead to sanctions pursuant to
7 Federal Rule of Civil Procedure 16(f).

8 Dated this 19th day of January, 2024.

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Honorable Rosemary Márquez
United States District Judge